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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LE, UYEN CHAU N

ART UNIT PAPER NUMBER

2876

DATE MAILED: 05 22 2003

Please find below and/or attached an Office communication concerning this application or proceeding

# Office Action Summary

Application No.

09/911,993

Applicant(s)

VANDE BERG, DAVID M.

Examiner

Uyen-Chau N. Le

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because of its minor informalities:

Re abstract, line 1: Delete " is disclosed".

Correction is required. See MPEP § 608.01(b).

### *Claim Objections*

2. Claims 13 and 20 are objected to because of the following informalities:

Re claim 13, line 5: Delete "an".

Re claim 20, line 5: Substitute "outer rim" with -- the outer rim --.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6-7, 13-16 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black et al (US 6,494,305) in view of Heckman (US 4,708,066).

Re claims 1-4, 6-7, 13-16 and 20-22: Black et al discloses a mounting apparatus 20 for attaching a transponder 40, which serves as an RF tag, to a conveyor trolley 22 having a wheel

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36 with a hub, an outer rim (fig. 3), the mounting apparatus 20 comprising a carcass-tracking apparatus 30, which serves as a block of material, which the transponder 40/RF tag is secured; wherein the block 30 is securable to the wheel 36 (figs. 1-3; col. 3, lines 1-34) by screws/threaded fasteners through apertures/threaded fastener receivers [51, 53]; wherein the RF tag/transponder 40 is at least partially imbedded in the block/housing 36 (figs. 4-13; col. 3, lines 35+). The conveyor trolley 22 comprising a metallic body 34, which serves as a strap, having a first and second legs connected by an arch (fig. 3), wherein the wheel 36 is rotatably mounted on an axle between the first and second legs of the strap (fig. 3); a hook 24 extending downward from the first leg for suspending a load therefrom (figs. 2-3; col. 3, lines 1+). The conveyor trolley 22 further having a wheel 36 for engaging a track 28 (fig. 1).

Black et al fails to teach or fairly suggest that the mounting apparatus having a recess formed between the hub and the outer rim wherein the block being shaped to be received within the recess.

Heckman teaches a wheel 24 having a hub 53, an outer rim, a web 55 connecting the outer rim to the hub 53, wherein the web 55 comprising a plurality of spokes separated by openings (fig. 5), the spokes having a thickness less than the thickness of the outer rim and a recess formed between the hub and the outer rim (figs. 4-5, col. 3, lines 40-63).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate a recess formed between the hub and the outer rim as taught by Heckman into the teachings of Black et al in order to receive the block containing the transponder/RF tag to provide Black et al with a more secure system, wherein the block having the tag is secured within the recess, preventing the block from being separated from the wheel by

loosing/falling (i.e., in the event one of the screws/bolts become loose). Furthermore, such modification would provide Black et al with a more compact system wherein the block is mounted within the recess between the hub and the outer rim instead of mounting directly on the outer surface of the outer rim, and thus providing a more aesthetic system.

5. Claims 8-9, 11-12, 17-19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black et al as modified by Heckman as applied to claims 1, 4 and 13 above, and further in view of Mitchell (US 3,708,847). The teachings of Black et al as modified by Heckman have been discussed above.

Re claims 8-9, 11-12, 17-19 and 23: Black et al as modified by Heckman have been discussed above but fail to teach or fairly suggest the block is securable to the web of the wheel by a clamping member wherein the clamping member is a second block of material.

Mitchell teaches a clamping means 18 comprising four clamp plates 22 secured to each spoke 20 of the web of the wheel via recess 23 (fig. 4; col. 3, lines 40-56).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate a clamping member as taught by Mitchell into the teachings of Black et al/Heckman in order to provide Black et al/Heckman a more secure system to hold/secure the block containing/having the tag to the wheel, preventing the block from being separated from the wheel.

6. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black et al as modified by Heckman as applied to claims 1 and 4 above, and further in view of Hoffman et al (US 5,156,533). The teachings of Black et al as modified by Heckman have been discussed above.

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Re claims 5 and 10, Black et al as modified by Heckman have been discussed above but fail to teach or fairly suggest that the block(s) is formed of a plastic material.

Hoffman et al teaches the bearing sleeves halves [30, 32] are made from a self-lubricating plastic (fig. 2; col. 3, lines 30+).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the use of plastic as taught by Hoffman et al into the teachings of Black et al/Heckman to form the block carrying the tag in order to reduce friction engagement between the conveyor trolley having the block mounted therein with the track when the conveyor trolley is moving along the track.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patents to Bartel et al (US 6,016,745); Beam (US 5,368,370); Perisic et al (US 4,392,392); Lowe et al (US 5,673,018); Schacht (US 3,263,789); Smith (US 5,072,822); Kiviniitty (US 6,561,490); Pratt (US 6,131,744); Dodd et al (US 5,867,093); Lowe et al (US 5,673,018); Knosby (US 4,597,495); Leach (US 3,589,503); Byrnes (US 3,707,925); Hansson (US 3,876,182); Robert et al (US 6,085,368); Dodd et al (EP 0,834,841); Mellwig et al (DE 3,514,235); Boatner (WO 98/36645) are cited as of interest and illustrate a similar structure to an apparatus and method for mounting an RF tag on a conveyor trolley.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 703-306-5588. The examiner can normally be reached on SUN, M, W, F 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL G LEE can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

*UCL*  
*Uyen -Chau Ngo Le*

May 18, 2003

*Michael G. Lee*  
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